IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Mat.Ref..No. 1 of 2006()

(O.P(IDA)No.719 of 2000 of the Family Court, Trivandrum)

PETITIONER:

LAILA JACOB GEORGE, DAUGHTER OF ALEYAMMA CHACKO,
AGED 37 YEARS, NARAMANNIL MATTATHU, ERAVIPEROOR,
THIRUVALLA AND NOW RESIDING AT S3, RUBICON
APARTMENTS, KESAVADASAPURAM, PATTOM PALACE P.O.
THIRUVANANTHAPURAM 695 004

BY ADV. SRI.SABU S.KALLARAMOOLA

RESPONDENTS:

PV.GEORGE, SON OF LATE VARGHESE,
PINUMOOTTIL, MANJADY P.O.,
THIRUVALLA, NOW RESIDING AT S3,
RUBICON APARTMENTS, KESAVADASAPURAM,
PATTOM PALACE P.O., THIRUVANANTHAPURAM 695 004

BY ADV. .

THIS MATRIMONIAL REFERENCE HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K.BALI, C.J.,
KURIAN JOSEPH &
K.BALAKRISHNAN NAIR, JJ.

Mat Ref.No.1 of 2006

Dated this the 20th day of December, 2006

JUDGMENT

Kurian Joseph,J.

This Mat Reference arises out of the order of the Family Court, Thiruvananthapuram in O.P.(IDA)No.719/2000 filed by a Christian wife under Section 10 of the Indian Divorce Act praying for a decree of divorce on the grounds of cruelty, adultery and desertion. The petitioner examined herself as P.W.1. P.W.2 is the neighbour of the petitioner and P.W.3 is the child born to the petitioner in the respondent. On the basis of evidence the Family Court came to the conclusion that the grounds of cruelty and desertion of over 13 years were established and hence the petitioner is entitled to a decree of divorce. The Family Court also found that there was no collusion between the parties in the background of the litigations between the parties for maintenance. The decree on the ground of adultery was not granted since the adulteress was not on the party array. The decree

thus passed in O.(IDA)No.719/2000 dated 31-1-2001 is placed before us for confirmation under Section 17 of the Indian Divorce Act. On perusal of the records we find that the grounds of cruelty and desertion are established on the evidence of the petitioner, her daughter and the neighbour. We are also satisfied that there is no collusion. In view of the above, we confirm the decree of divorce granted by the Family Court, Thiruvananthapuram in O.P(IDA)No.719/2000.

(V.K.BALI, CHIEF JUSTICE)

(KURIAN JOSEPH, JUDGE)

(K.BALAKRISHNAN NAIR, JUDGE)

ahg.

V.K.BALI, C.J.,
KURIAN JOSEPH &
K.BALAKRISHNAN NAIR, JJ.

Mat Ref.No.1/2006

JUDGMENT

20th December, 2006